

**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

**Adopted and Filed**

**Rule making related to pesticide registration fees**

The Agriculture and Land Stewardship Department hereby amends Chapter 45, “Pesticides,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 206.12.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 206.12 as amended by 2022 Iowa Acts, House File 2581.

*Purpose and Summary*

This rule making implements 2022 Iowa Acts, House File 2581, by repealing pesticide registration fee language that is no longer relevant.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 7, 2022, as **ARC 6500C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Department on December 7, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond that of the legislation it is intended to implement.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on February 15, 2023.

The following rule-making action is adopted:

Amend rule 21—45.3(206) as follows:

**21—45.3(206) Registration required.** No person shall distribute, give, sell or offer to sell any pesticide which has not been registered with the department of agriculture and land stewardship.

**45.3(1) Registration fees.** All pesticides distributed for sale in the state of Iowa shall be registered pursuant to Iowa Code section 206.12. The registration period shall be January 1 through December 31 of each year. ~~The annual registration fee for each brand and grade of pesticide shall be a minimum of \$250 and a maximum of \$3000. Intermediate fees shall be determined by multiplying the gross dollar amount of annual sales in Iowa for each pesticide product by one fifth of 1 percent or 0.002. A registration fee shall be paid for each brand and grade of pesticide.~~

Each registrant shall submit an application for registration on forms approved by the secretary of agriculture. The registration fee for each product shall be submitted with the application for registration. Application for new or initial registrations of pesticide products shall be accompanied by the minimum registration fee of \$250.

~~**45.3(2) Renewal fees.** Pesticide product registration renewal fees shall be based on the previous year's gross annual sales with the dollar value derived from the first level of distribution for each pesticide product sold in the state of Iowa. Each registrant shall be responsible for determining total annual Iowa sales data for each pesticide product sold in Iowa whether the pesticide product is distributed for retail sale in Iowa by a manufacturer or from a distributor or wholesaler in the state or from outside the state. Registration renewal fees for pesticide products registered for sale and use in Iowa shall be based on one fifth of 1 percent of the dollar amount of the total sales for each pesticide product sold. Registration renewal fees shall be a minimum of \$250 and a maximum of \$3000 per pesticide product for each registration period.~~

~~The annual sales data for each pesticide product registered in Iowa shall be maintained on file for a minimum of three years with the registrant and shall be made available for audit upon request by the department.~~

**45.3(3) Exemption from minimum fee.** A manufacturer or registrant of a pesticide product may file a request for an exemption to the minimum product registration fee of \$250 and the secretary may grant an exemption to the minimum registration fee for a period not to exceed one year provided that at least one of the following conditions is met:

*a. to d.* No change.

**45.3(4) to 45.3(6)** No change.

This rule is intended to implement Iowa Code section 206.12.

[Filed 12/14/22, effective 2/15/23]

[Published 1/11/23]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/11/23.